IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.1508 OF 2006

M/s. Softouch Hygiene Products
(Mfg.) Pvt. Ltd. ..Petitioner

Vs.

The Secretary
Govt. of Maharashtra,
Mumbai and Ors. ..Respondents

...

Mr.Shailesh Shah with Mr.Prakash Ganwani
i/b Thakordas & Madgavkar for Petitioner
Mr.A.A.Kumbhakoni Addl.Advocate General
with Ms.Geeta Shastri AGP for Respondent
Nos. 1 to 3
Mr.Neville Majra i/b Yusuf & Associates
for Respondent No.4

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JUNE 22, 2006

P.C.

1. Rule. By consent, rule heard forthwith.

2. The petitioner has approached this Court as the Respondent No.2 had issued Circular dated 1.3.2006 to Respondent No.4. That Circular came to be issued on the order issued by the Respondent No.2 blacklisting the petitioner by publication dated 1.3.2006. At a hearing of the petition, it is an

admitted position that before the petitioner was blacklisted, he had not been given an opportunity of showing cause. Once a person suffers civil consequences, the State or authority, must give an opportunity to a citizen affected. In the absence of that, there will be infraction of the Article 14 of Constitution of India. It is so in this case. Considering the above, after hearing the parties, the following order:

(i) Order dated 1.3.2006 blacklisting the petitioner along with Circular dated 1.3.2006 in so far as the petitioner's are concerned, are quashed and set aside and consequently, the Respondent No.2's communication dated 22.4.2006 would be of no effect;

(ii) It will be open to the Respondent No.2 to issue a show cause notice to the petitioner if so advised, and after considering the reply filed by the petitioner and after giving petitioner an opportunity of hearing, thereafter to pass orders according to law;

(iii) Respondent No.4 to intimate to the members that presently there is no blacklisting of the petitioner.

(iv) Rule made absolute accordingly. No order as to costs.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]